

REMARKS

The rejections pertaining to claims 13-29 are deemed moot in view of the cancellation of these claims, and therefore will not be addressed by the following remarks and/or arguments.

A. Claim 1 was rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Japanese Patent Document 2001-78120 to "NEC VIEW TECHNOLOGY" (hereafter: NEC). The Applicant respectfully traverses this rejection for the following reason(s).

Claim 1 and its features as compared to Fig. 3 of NEC by the Examiner:

- *a front cover 202*
- *a rear cover coupled to said front cover 203*
- *a display panel and a main PCB disposed between said front cover and rear cover 201, 205*
- *a tuner unit having a casing, a tuner contained within said casing, and a connector electrically extended from said tuner and protruding through said casing 215*

The Applicant agrees with the Examiner assessment thus far.

The Examiner then discusses Fig. 2b of NEC, and in particular, perceived improvements over Fig. 3 of NEC. Stating that the tuner is within housing 7a than can be detachably "connected" to the "rear cover" of the display cabinet.

Here, we understand the term "**rear cover**" (not numbered in Fig. 2b) to be element 3 in Fig.

1 corresponding to element 203 of Fig. 3. There appears to be no other reason for the Examiner's discussion of the elements of NEC's Fig. 3.

The Examiner then identifies "connections" as elements 13a and 13b of NEC to be a **connection port** and an **electrical connector**, respectively. That is, the Examiner refers us to a protruding connector, electrical connector 13b of NEC as being connected to a recessed connection port 13a.

Accordingly, thus NEC teaches *a receptacle formed on an outside surface of said rear cover* up to this point of claim 1. However, the claim must be considered on the whole.

Accordingly, claim 1 differs from NEC according to the following feature of:

- *a connection port connected to said main PCB, protruding through a side defining said receptacle to be connected to said connector of said tuner unit when said tuner unit is inserted into said receptacle.*

We note here that the *receptacle* in NEC is simply a hole in the back side of the back cover, and connection port 13a does not protrude through this hole. Additionally, the *tuner unit* (having a casing, a tuner contained within said casing, and a connector electrically extended from said tuner and protruding through said casing) is not inserted through the NEC receptacle (hole).

The Examiner has indicated that one of ordinary skill in the art would have desired to protect the tuner unit of NEC from lateral impacts that may damage the unit. The Examiner refers to well known game cartridge art and memory card art, taking Official Notice.

Deficiencies in the factual basis cannot be supplied by resorting to speculation or unsupported generalities. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967) and *In re Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970).

Here, the Examiner assumes that the tuner unit of NEC would be susceptible to lateral impacts. It also appears that the Examiner assumes that the tuner unit will be as easily damaged as a game cartridge or a memory card.

Since the tuner unit is attached to a display device, *i.e.*, a computer monitor, it is not apparent to one of ordinary skill in the art would have considered protecting the tuner unit from lateral impacts to be a problem with NEC's invention. Where games and the game cartridges are constantly moved about and treated rather roughly by users (mostly kids?), one of ordinary skill in the art would not have considered that such treatment would befall NEC's computer monitor. And there is clearly no showing in the art that teaches that a computer monitor is subject to lateral impacts.

There is no teaching that the recesses designed for game cartridges or memory cards are designed for their protection. There are memory cards (Dell systems) that connect directly to a USB port on a computer. This card does not fit into a recess. We can only assume that protection wasn't an issue.

One advantage of the NEC tuner would be its relatively easy removal from the back of the monitor, for protection, if one felt it needed protecting when one wanted to move the monitor.

Additionally, the overall thickness of the monitor is relatively thin, as would have been desired by one of ordinary skill in the art at the time of the invention. Modifying the back cover of the monitor to accommodate insertion of the tuner unit into a receptacle, or recess, would entail

increasing the overall thickness of NEC's monitor. There is no motivation of record suggesting one of ordinary skill in the art would have desired to increase the thickness of the back cover of the monitor to accommodate insertion of the tuner unit into a receptacle, or recess.

Accordingly, one of ordinary skill in the art, without some teaching that NEC's tuner unit would be susceptible to damage from lateral impacts, would not have been motivated to modify the back cover of the NEC computer monitor to include a receptacle into which the tuner unit could be inserted.

Therefore, claim 1 is not obvious and the rejection should be withdrawn.

B. Claims 2, 5, 6 and 8-12 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over NEC for the same reasons as claim 1. The Applicant respectfully traverses this rejection for the following reason(s).

Accordingly, claims 2, 5, 6 and 8-12 are deemed to be non-obvious for the reasons stated above.

Additionally, claim 9, for example, calls for *a tuner cover removably coupled to said side and shielding said tuner unit attached to said rear cover*.

The Examiner holds it to be well known in the art that covers for protecting connection ports when a detachable peripheral unit is detached. In claim 9 the tuner unit is *attached* not detached and the *tuner cover* is used for *shielding said tuner unit*.

Claim 10 calls for *a coupling member coupling said tuner unit to said outside surface of said rear cover.*

The Examiner states that NEC's "connection port" comprises a plug "member" for coupling the tuner unit to the outside surface of the rear cover. The Examiner has not identified where NEC discloses such a "plug member" or where NEC discloses coupling the tuner unit to the *outside surface of said rear cover.*

Instead, it is clear from the drawings that elements 13a and 13b are coupled together, and the tuner unit is disposed adjacent to the rear cover, but the tuner unit and the *outside surface of said rear cover* are not **coupled** together.

Besides, taking into consideration the Examiner's proposed modification of the NEC invention, as detailed with respect to the rejection of claim 1, the tuner unit would have been inserted through a receptacle, like a game cartridge or memory card, formed on an outside surface of the rear cover. Thus, if the tuner unit was inserted as suggested by the Examiner then the tuner unit and the *outside surface of said rear cover* could not be **coupled** together, and there would be no need to couple them together.

Claim 11 calls for *a female screw formed on said side of said rear cover and a male screw coupling said tuner unit to said rear cover through said female screw.*

Following the same line of argument set forth with respect to claim 10, if the tuner unit was inserted through a receptacle, like a game cartridge or memory card, as suggested by the Examiner then the tuner unit and the *outside surface of said rear cover* could not be **coupled** together, and

there would be no need for *a female screw formed on said side of said rear cover and a male screw coupling said tuner unit to said rear cover through said female screw* couple them together.

Accordingly, the Examiner has failed to provide a *prima facie* case of obviousness.

Therefore, claims 2, 5, 6 and 8-12 are deemed to be non-obvious and the rejection should be withdrawn.

C. Claims 3, 4 and 7 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over NEC for the same reasons as claim 1 and in view of Sugimoto et al. (US 4,969,046) (hereafter: Sugimoto). The Applicant respectfully traverses this rejection for the following reason(s).

Claims 3, 4 and 7 are deemed to be non-obvious for the reasons stated above with respect to claim 1.

Additionally, claim 3 (and similarly claim 7) calls for *an earth spring protruding from said outside surface of said rear cover and facing said casing, said earth spring coming into contact with an earth terminal of said tuner unit when said tuner unit is coupled to said rear cover.*

The Examiner acknowledges that NEC fails to teach the foregoing feature of the Applicant's invention. Instead, the Examiner has applied Sugimoto's teaching in this regard. More specifically, the Examiner has referred us to contacts 38 in Sugimoto's Fig. 9.

The Examiner notes that Sugimoto fails to "explicitly" state that contacts 38 are "spring

loaded." The Examiner, erroneously states that "from the illustration of figure 9, one skilled in the art would have recognized the illustrated contacts (@ 38) as having been spring loaded."

The illustration of Sugimoto's contacts 38 do not even remotely appear to be spring loaded, especially when compared to the Applicant's earth spring (25, 25a).

The Examiner then qualifies his statement by including the phrase "as would be required to ensure a good connection between the pins and contacts." If such "spring loading" were "required" in Sugimoto, then Sugimoto should have "explicitly" described this requirement.

Deficiencies in the factual basis cannot be supplied by resorting to speculation or unsupported generalities. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967) and *In re Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970).

Accordingly, the Examiner has failed to provide a *prima facie* case of obviousness.

Therefore, claims 3, 4 and 7 are deemed to be non-obvious and the rejection should be withdrawn.

D. New claims 30-42 are deemed to be patentable over the art of record.

Claim 30 includes the features that the tuner apparatus comprises:

a casing having a front cover and a back cover; and

a tuner disposed between said front and back covers of said casing, said tuner having an antenna terminal for receiving a television signal and a connector for transmitting a decoded television signal to said display device, said connector protruding from said casing through a first

opening, *said antenna terminal protruding from said casing through a second opening formed when said front cover is connected to said back cover.*

Looking at the NEC reference and the Sugimoto reference, we find no teaching that the tuner apparatus comprises *a casing having a front cover and a back cover*. Additionally, we find no teaching that should such front and back covers exist, of *a second opening **formed** when said front cover is connected to said back cover* or that the *antenna terminal* would protrude *from said casing through such a second opening*.

Similarly, claim 38 require that the tuner apparatus comprise *a casing having a front cover and a back cover*. Claim 38 further calls for *said tuner including an earth terminal, said earth terminal engaging an **earth spring** protruding from the back of the housing of the display device within said recessed surface area, **when said casing is slid through a side opening in the side of the back of said housing into said recessed surface area.***

As noted with respect to the rejection of claims 3 and 7, neither reference teaches an *earth spring*. Additionally, neither reference teaches sliding the casing *through a side opening in the side of the back of said housing into said recessed surface area*.

Accordingly, claims 30-42 are deemed to be patentable over the art of record.

The examiner is respectfully requested to reconsider the application, withdraw the objections

and/or rejections and pass the application to issue in view of the above amendments and/or remarks.

Should a Petition for extension of time be required with the filing of this Amendment, the Commissioner is kindly requested to treat this paragraph as such a request and is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of the incurred fee if, **and only if**, a petition for extension of time be required **and** a check of the requisite amount is not enclosed.

Respectfully submitted,



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